APPENDIX A

U.S.C., Constitution, Amendment XIV, Section 1

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

APPENDIX B

Judgment Of The Trial Court

In Open Court

The Court: Members of the jury, is this your verdict? We, the jury, find the defendant guilty of second degree murder, and fix his punishment at confinement of ten years in the penitentiary, signed by the foremen? Anything further of the jury? You may dismiss the jury, Mr. Sheriff.

(The jury left the courtroom at 5:50 P.M.)

The Clerk: Edward Thomas Murray, you have been convicted of murder in the second degree, and the jury has fixed your punishment at confinement in the penitentiary of this Commonwealth for the period of ten years. Is there anything for yourself you have or know to say why the Court should not here and now proceed to pronounce judgment against you, according to law?

Mr. Rowe: We move to set aside the verdict as contrary to the law and evidence, and we will have matters we would like to take up before the Court. I don't think it should be heard tonight.

The Court: I will pronounce sentence and grant the usual sixty-days stay. I fix the disposition at ten years for second degree, in accordance with the verdict, and I will grant the normal sixty-days stay of the execution of the sentence.

Judgment Of The Supreme Court Of Virginia

Virginia:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday the 18th day of October, 1972.

The petition of Edward Thomas Murray for a writ of error and supersedeas to a judgment rendered by the Corporation Court of the City of Norfolk on the 25th day of April, 1972, in a prosecution by the Commonwealth against the said petitioner for a felony, having been maturely considered and a transcript of the record of the judgment aforesaid seen and inspected, the court being of the opinion that there is no reversible error in the judgment complained of, doth reject said petition and refuse said writ of error and supersedeas, the effect of which is to affirm the judgment of the said corporation court.

A Copy,
Teste:
Howard G. Turner, Clerk

By: /s/ Allen L. Lucy
Deputy Clerk

APPENDIX C

Motions For Production Of Statements And Rulings By Trial Court

In Open Court
(Transcript Pages 82 through 84)

By Mr. Weinberg:

Q. Have you spoken to any police officers about this case?

A. (Deloris Harris) The night of the incident, yes. That night.

Q. Did they take a written statement from you?

A. Yes, they did. No, not that night. We went downtown with the stenographer.

Q. Where did the police come with the stenographer? Where you live, or did you go to police headqurters?

A. I went to police headquarters.

Q. When was that done?

A. I believe it was the next day or the day after.

Q. Within the next two days, you went to police headquarters and gave a statement that was taken down by a stenographer?

A. Yes.

Q. Were you questioned in detail about this?

A. Yes.

Mr. Weinberg: Your Honor, we call for that statement, if we could. Under the Jenks rule, I think we are entitled to it before we cross examine further.

The Court: The Jenks rule, you say?

Mr. Weinberg: Yes.

The Court: I don't believe that applies here. She is here.

Mr. Weinberg: She has given a statement to the police, taken down by a stenographer. It is there in detail and I think we have a right to examine it, in order to determine if what she said today is consistent with what she originally told the police.

The Court: If you were going to do that type of probing, it would be done before the trial.

Mr. Rowe: Your Honor denied us those statements. We asked for it in a motion and you denied it.

The Court: That is true. I don't think the Jenks type situation applies here.

Mr. Weinberg: It is apparently reduced to writing, as far as I know. I haven't heard Mr. Christie deny it or say he doesn't have it. If it is not reduced to writing, I will sit down now, but assuming it is reduced to writing, I think we are entitled to examine it and see what inconsistencies may exist in what she testified to today and what she told the police in 48 hours after this occurred.

The Court: I don't think that situation applies.

Mr. Weinberg: Your Honor denies my motion?

The Court: Yes, sir.

Mr. Weinberg: We will respectfully save our exception.

* * *

(Transcript Page 125)

Mr. Weinberg: I'm sorry. Before I get to that, I would want to see that statement, and I presume your ruling would be the same.

The Court: Yes. Of course, as Mr. Rowe related, you did file the motion and the Court overruled it under the

rules—the new rules, as they are termed. In reference to your motion, per se, of course there was a Jenks case and there was Jenks legislation in respect to it. My understanding is that applies to notes and so forth of a government agent or witness, per se, not the witnesses in general. And I'm going to overrule your motion.

Mr. Weinberg: We save the point.

The Court: Yes.